

**OFFICE OF THE FEDERAL DEFENDER
EASTERN DISTRICT OF CALIFORNIA
801 I STREET, 3rd FLOOR
SACRAMENTO, CALIFORNIA 95814
(916) 498-5700 Fax: (916) 498-5710**

*Daniel J. Broderick
Federal Defender*

*Linda Harter
Chief Assistant Defender*

August 29, 2007

Mr. Timothy Warriner
Attorney at Law
1725 Capitol Avenue
Sacramento, CA 95814

Re: **Grayson v. Carey**
Civ.S-03-1694-MCE

FILED
AUG 30 2007
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

Dear Mr. Warriner:

This will confirm your appointment as counsel by the Honorable Morrison C. England, U.S. District Judge, to represent the above-named appellant. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 20 form, your Order of Appointment and Voucher for services rendered. Also enclosed is an instruction sheet discussing the use of the forms, together with sample forms for reporting court time. This will also provide a uniformity in the way attorneys report their time and services rendered.

If we may be of any further assistance regarding the processing of the enclosed form, preparation of form CJA 21 for expert services, or in reference to any other matter pertaining to this case, please feel free to call upon us at any time.

Very truly yours,


CYNTHIA L. COMPTON
CJA Panel Administrator

:clc
Enclosures

cc: Clerk's Office
Ninth Circuit Court of Appeals

CSA 24 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

1. CIL/DET./DIV. CODE 09C		2. PERSON REPRESENTED GRAYSON, Alfred Lee		VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER Civ. S-03-1694-MCF	5. APPEALS DKT./DEF. NUMBER 06-17049	6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) Grayson v. Carey		8. PAYMENT CATEGORY Appeal	9. TYPE PERSON REPRESENTED Appellant	10. REPRESENTATION TYPE (Also Indicate) CA	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) under offense charged, according to severity of offense. Appeal from the denial of a habeas corpus					
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS Timothy Warriner, Esq. 1725 Capitol Avenue Sacramento, CA 95814 Telephone Number: (916) 443-7141			13. COURT ORDER <input type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Sub For Federal Defender <input type="checkbox"/> E Sub For Retained Attorney <input type="checkbox"/> P Sub For Paid Attorney <input type="checkbox"/> V Standby Counsel Prior Attorney's Name _____ Appointment Date _____ <input type="checkbox"/> Because the above-named person represented has notified under oath or has otherwise notified this court that he/she is (1) financially unable to employ counsel and (2) does not wish to waive counsel and proceed in the interests of justice or require the attorney whose prior approval is required is requested to represent this person in this case, or <input type="checkbox"/> Other (See Instructions) _____ Signature of Presiding Judicial Officer or by Order of the Court _____ Date of Order AUG 27 2007 _____ Name Pres Trial Judge _____ Requisition or partial requisition ordered from the person represented for this service at time of appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. NAME AND MAILING ADDRESS OF LAW FIRM (only provide per instructions)					

	CATEGORIES (Attach itemization of services with dates)	HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW
IN COURT	15. a. Arraignment and/or Plea					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other (Specify on additional sheets)					
	(Rate per hour = \$ 94) TOTAL:					
OUT OF COURT	16. a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and Other work (Specify on additional sheets)					
	(Rate per hour = \$ 94) TOTAL:					
17.	Travel Expenses (lodging, parking, meals, mileage, etc.)					
18.	Other Expenses (other than expert, transcripts, etc.)					

19. CERTIFICATION OF ATTORNEY/PAYER FOR THE PERIOD OF SERVICE FROM _____ TO _____		20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION	21. CASE DISPOSITION
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ Have you previously applied to the court for compensation under standard/budgetary fee schedule for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the court, have you, or to your knowledge has anyone else, received payment (including or excluding or value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____			

23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR/CERT
28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER			DATE	29. JUDGE / MAG. JUDGE CODE
29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Payment approved in excess of the statutory threshold amount.			DATE	34a. JUDGE CODE

FILED

UNITED STATES COURT OF APPEALS

AUG 15 2007

FOR THE NINTH CIRCUIT

GATHY A. GATTERSON, CLERK
U.S. COURT OF APPEALS

ALFRED LEE GRAYSON,

Petitioner - Appellant,

v.

TOM L. CAREY, Warden,

Respondent - Appellee.

No. 06-17048

D.C. No. CV-03-01694-MCE
Eastern District of California,
Sacramento

ORDER

Before: KLEINFELD, SILVERMAN, and M. SMITH, Circuit Judges.

This appeal shall be removed from the screening calendar and reassigned to a new panel for consideration of the merits of the appeal.

Upon review of the record and the briefing in this habeas corpus appeal, this court has determined that the appointment of counsel would benefit the court's review. *See* 18 U.S.C. § 3006A(a)(2)(B); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). The court by this order expresses no opinion as to the merits of this appeal. Counsel will be appointed by separate order.

The Clerk shall serve a copy of this order on Daniel Broderick, Federal Public Defender, 801 I Street, 3rd Floor, Sacramento, California 95814, who will locate appointed counsel. The district court shall provide the Clerk of this court with the name and address of appointed counsel by facsimile transmission (FAX:

(415) 355-8111) within 14 days of locating counsel. If new counsel identifies uncertified issues that should be raised on appeal, counsel shall include them in the opening brief as permitted by Ninth Circuit Rule 22-1(e).

New counsel shall prepare supplemental briefing that will be submitted, along with briefs already filed in this case, to the merits panel. The supplemental opening brief and excerpts of record are due October 15, 2007; the supplemental answering brief is due November 14, 2007; and the optional supplemental reply brief is due within 14 days after service of the answering brief.